

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CURTIS O. JACKSON,

Plaintiff,

Case No. 1:14-cv-426

v.

HON. JANET T. NEFF

ERICA HUSS, et al.,

Defendants.

ORDER APPROVING REPORT AND RECOMMENDATION

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants filed a Motion for Summary Judgment (Dkt 25), and Plaintiff filed a Motion to Defer Defendants' Motion for Summary Judgment (Dkt 51). The matters were referred to the Magistrate Judge, who issued a Report and Recommendation on September 2, 2015 (Dkt 61), recommending that this Court deny Plaintiff's motion, and grant in part and deny in part Defendants' motion. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge (Dkt 61) is APPROVED and ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's Motion to Defer Defendants' Motion for Summary Judgment (Dkt 51) is DENIED.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment (Dkt 25) is GRANTED IN PART AND DENIED IN PART. Specifically, Plaintiff's claims are dismissed for failure to properly exhaust administrative remedies save the following claims: (1) Defendant

Wood “depriv[ed] Plaintiff of attending disciplinary hearings”; (2) Defendant Wood made inappropriate sexual comments while watching Plaintiff shower; (3) Defendant Huss forced Plaintiff to participate in the Incentives in Segregation Program; and (4) Defendant Moran refused to properly assess Plaintiff’s disorders or transfer him to a “proper treatment facility.”

With respect to these four claims, the following two claims are dismissed for failure to state a claim on which relief may be granted: (1) Defendant Wood made inappropriate sexual comments while watching Plaintiff shower and (2) Defendant Huss forced Plaintiff to participate in the Incentives in Segregation Program.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Dated: September 28, 2015

/s/Janet T. Neff
JANET T. NEFF
United States District Judge